

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

510,774
PCT/FR2003/001122



Applicant's or agent's file reference SETVAL AFF.18	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001122	International filing date (day/month/year) 09 avril 2003 (09.04.2003)	Priority date (day/month/year) 18 avril 2002 (18.04.2002)
International Patent Classification (IPC) or national classification and IPC B62D 65/00		
Applicant VALLOUREC COMPOSANTS AUTOMOBILES VITRY		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 novembre 2003 (05.11.2003)	Date of completion of this report 06 September 2004 (06.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/001122

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-13 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-7 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/6-6/6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	4, 6-7	YES
	Claims	1-3, 5	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

- D1: GB 554 695 A (DUNLOP RUBBER CO; JAMES CLAUDE HICKMAN) 15 July 1943 (1943-07-15)
D2: US-A-3 615 081 (RAVENEL RAYMOND A) 26 October 1971 (1971-10-26)
D3: FR-A-2 812 242 (C F GOMMA BARRE THOMAS) 1 February 2002 (2002-02-01)

1. D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (see page 1, lines 62 to 82; page 1, line 97 to page 2, line 2; page 2, lines 18 to 53; figures 1 and 2; the references between parentheses apply to said document):

a resilient elastomeric joint (1, 7, 11) (suitable for use as a spring part of a vehicle suspension device) has an axis of rotation, includes an internal sleeve (11) and an external sleeve (7) connected by a resilient elastomer (1), which joint (1, 7, 11) is attachable, on the one hand, **to the bodywork of the vehicle (2)** by means of the external sleeve (7) and, on the other hand, **to an oscillating longitudinal arm (4)** by means of the internal sleeve (11) (and is suitable for opposing a torsional return force when a torsional stress is applied about said axis of rotation), which external sleeve (7) includes angular

adjustment means (8, 9, 10) for adjusting the joint relative to the bodywork of the vehicle, about the axis of rotation.

D2 describes a resilient joint similar to that of D1.

The resilient joint described in D1 differs from the subject matter of claim 1 in that the external sleeve of the joint is attachable to the longitudinal arm, and the internal sleeve to the bodywork of the vehicle, i.e. the joint of D1 is attached in the opposite way to that constituting the subject matter of claim 1.

The feature of attaching the internal sleeve of the resilient joint either to the longitudinal arm or to the bodywork of the vehicle is well known to a person skilled in the art (see figures 6 and 7 of D3), who might select either of the two obvious options, depending on the particular case. The slight alterations required to mount the resilient joint described in D1 on the suspension arm of claim 1 of the application are part of the standard practice of a person skilled in the art and the resulting advantages are easily foreseeable. Consequently, the subject matter of claim 1 does not involve an inventive step either.

1.1 The solution proposed in claim 1 of the present application is therefore not considered inventive (PCT Article 33(3)).

2. Dependent claims 2, 3 and 5 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the requirements of inventive step of the PCT, because the features of claims 2, 3 and 5 have already been used for the same purpose in an equivalent suspension joint (see figures 1, 2 and 3 of

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D2 or figures 1 and 2 of D1). It is obvious for a person skilled in the art to apply these features, with a corresponding effect, in a suspension joint according to D2 or D1 and thereby obtain a joint according to claims 2, 3 and 5.

- 2.1 The proposed solution of combining the features of claims 2, 3 and 5 of the present application is therefore not considered inventive (PCT Article 33(3)).

3. The means for angularly adjusting the sleeve of the joint relative to the oscillating longitudinal arm described in D2 (or in D1; see § 1), include elements that enable the sleeve to be attached to the arm at different angular positions. The problem that the combination of features of claims 4, 6 and 7 is intended to solve can therefore be considered to be that of simplifying the assembly and reducing the time required to adjust the joint on the arm by using angular adjustment means that enable specific angular positions, corresponding to the desired ride heights, to be identified.

The solutions to this problem, as proposed in claims 4, 6 and 7 of the present application, are considered to involve an inventive step (PCT Article 33(3)) because they are not found in the prior art and cannot be derived in an obvious manner therefrom.

- 3.1 Dependent claims 4, 6 and 7 therefore meet the requirements of inventive step of the PCT.